

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1-2, 15, 32-33, 37-38, 45, 51-52, 69, 73, 75, 77, 82, 85, 87 and 89 have been amended. Support for the amendments to the claims may be found throughout the specification and the claims as originally filed. No new matter has been added. Claims 5-6, 11-14, 16, 41-42, 47-50, 53, 78 and 91-97 have been canceled without prejudice or disclaimer.

Upon entry of the amendment, claims 1-4, 7-10, 15, 17-40, 43-46, 51-52, 54-77 and 79-90 will be pending in the present application with claims 1, 2, 15, 32-33, 37-38, 51-52, 69, 73, 77, 82, 85, 87 and 89 being independent.

Applicants thank Examiner Mancho for the courtesies extended to applicants' representative, Mr. Adam Kaplan, during an interview conducted on March 22, 2007. During the interview, Spaur et al. (U.S. Patent No. 5,732,074) and claims 1-4, 7-10, 15, 17-40, 43-46, 51-52, 54-77 and 79-90 were discussed. No exhibits were presented at the interview. The arguments presented by Examiner Mancho were taken into account when submitting the foregoing amendments.

The rejection of claims 32 and 51 under 35 U.S.C. § 112 was discussed. Applicants' representative submitted that the amendments to the claims in the Amendment and Response filed January 23, 2007 deleting the term "schema" overcomes this rejection. Examiner Mancho

agreed to review the amendments for compliance with 35 U.S.C. § 112.

The rejection of claims 1-4, 7-10, 15, 17-40, 43-46, 51-52, 54-77 and 79-90 under 35 U.S.C. §102(b) as being anticipated by Spaur was also discussed, but no agreement was reached. Applicants' representative submitted that the claims, as amended in the Amendment and Response filed January 23, 2007, overcome this rejection for at least the reason that Spaur fails to disclose, teach, or suggest "a user specified first schedule, and a user specified second schedule."

Examiner Mancho argued that the claims did not distinctly claim the invention because it was not clear that the "wireless appliance" is in the vehicle. Applicants' representative agreed to amend the claims to address this issue. The claims have been amended to include terms such as, for example, "in the vehicle," "from a base station," and "to a base station." Applicants' respectfully submit that the claims, as amended, distinctly claim the invention for at least the foregoing reason.

In addition, whether the claims patentably distinguish over Spaur in light of MPEP §2114 was discussed. Applicants' representative submitted that the amendments to the claims in the Amendment and Response filed January 23, 2007 adding the term "configured to" to the apparatus claims overcomes the MPEP §2114 issues.

Furthermore, Examiner Mancho argued that the claims did not distinctly claim the invention because the limitation reciting "an address of an operational characteristic" was unclear. The claims have been amended to delete this limitation. Applicants note that the

limitation reciting “an address that describes a location of a diagnostic datum,” as recited in claim 4, has not been amended.

Applicants note that the Amendment and Response filed on January 23, 2007 is outstanding. Applicants respectfully submit that for at least the reasons contained therein and the foregoing amendments, the claims are allowable.

In view of the above, reconsideration and withdrawal of the rejection of claims 1-4, 7-10, 15, 17-40, 43-46, 51-52, 54-77 and 79-90 are respectfully requested.

SUMMARY

Applicants submit that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

*By Adam Kaplan, Reg#59,435
On behalf of Stephen Glazier*

Respectfully submitted,



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